

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

Debtor.

BANKRUPTCY NO.

Moving Party

RS NO.

Respondent(s)

MOTION FOR RELIEF FROM AUTOMATIC STAY
(UNLAWFUL DETAINER)

Movant in the above-captioned matter moves this Court for an Order granting relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on _____.
2. Procedural Status:
 - a. ☐ Name of Trustee Appointed (if any):
 - b. ☐ Name of Attorney of Record for Trustee (if any):
 - c. ☐ (Optional) Prior Filing Information:
Debtor has previously filed a Bankruptcy Petition on: _____.
If applicable, the prior case was dismissed on: _____.
 - d. ☐ (If Chapter 13 case): Chapter 13 Plan was confirmed on _____ or a confirmation hearing is set for _____.

Movant alleges the following in support of its Motion:

1. Debtor occupies the premises commonly known as (specify street address):
2. Debtor occupies the premises:

<input type="checkbox"/> on a month-to-month tenancy	<input type="checkbox"/> pursuant to a lease in default
<input type="checkbox"/> on a hold-over tenancy	<input type="checkbox"/> after a foreclosure sale
<input type="checkbox"/> on a tenancy at will	<input type="checkbox"/> pursuant to a terminated lease
3. Debtor has failed to pay the monthly rent of \$_____ since _____.

4. Procedural status in State Court *(fill in all applicable data for completed steps)*:

- a. ☐ On _____, Movant served a Notice to Pay Rent or Quit on the Debtor(s).
- b. ☐ On _____, Movant filed a Complaint for Unlawful Detainer in State Court.
- c. ☐ Trial was held on _____.
- d. ☐ A Judgment was entered on said Complaint by the State Court on _____.

Movant attaches the following:

- 1. ☐ Declarations required by Local Bankruptcy Rule 4001-2(a)(5).
- 2. ☐ Copy of the State Court Unlawful Detainer Judgment.
- 3. ☐ Other relevant evidence:

- 4. ☐ *(Optional)* Memorandum of points and authorities upon which the moving party will rely.

WHEREFORE, Movant prays that this Court issue an Order granting the following:

- ☐ Relief as requested.
- ☐ Other:

Dated:

[Attorney for] Movant